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February 14, 2011

Criminal Charges

against

Dr. Joseph Ratzinger,
Pope of the Roman Catholic Church

on grounds of

Crimes against Humanity
According to Art. 7 ICC Statute

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In the name of and on behalf of

1) ……..

2) …….

3) ……

4) ……..

5) ……..

We hereby bring charges against Dr. Joseph Ratzinger and apply to the prosecutor of the International Criminal Court to initiate investigations against the accused and to examine him regarding the facts presented.

G r o u n d s

Introduction

The charges are directed against three worldwide crimes, which until now have not been denounced merely because they stemmed from an institution headed by the "highest dignitaries," who appear to be far above criminal acts. The traditional reverence toward "ecclesiastical authority" has clouded the sense of right and wrong.

If, by way of massive psychological pressure, a new religious group were to force its members to integrate their newborn into the group, in order to finance the latter its whole life long and to orient itself in everything according to the directives of the group, it would be called a "sect." It is possible the state would dissolve the group and punish the "sect leaders" on grounds of coercion and extortion, even more so, if the group would

not tolerate anyone leaving, instead hindering this under threat of severest punishment, thus giving rise to serious emotional disturbances and impairment of the freedom of development in many of its members.

Under the same facts and circumstances, can this be any different merely because it concerns an organization that acts in the same way not only toward a few, but world-wide, calling itself the "Roman Catholic Church" and constantly referring to religious freedom, while setting "sect commissioners" onto those of different faith? It is not different, but people have simply become accustomed to it. However, since July 1, 2002, this inurement is no longer admissible. On this day, the statute for the International Criminal Court came into effect, making crimes against humanity a punishable offense.

If a coercive sect of the kind described above were widespread in present-day Africa and its members were forbidden the use of condoms under threat of severe punishment, transmission of the HIV-AIDS virus and the deaths caused by this would be attributed to the sect leaders, and charges would be brought against them. Can this be any different simply because the coercive sect calls itself a "church" and its head claims to be infallible?

If, in a worldwide coercive sect, hundreds of thousands of children were sexually abused and the crimes covered up and prosecution called off at the behest of the sect leader, this criminal organization and its leader would be put on trial. Can this be any different merely because this organization calls itself a "church" and the command to be silent about the crimes does not come from a mafia boss, but is pronounced by the pope? It is no different, but it is simply centuries of becoming inured to a pedophile priesthood and the power of its high priests. Since the statutory offense of crimes against humanity exists, this "looking the other way" is no longer admissible.

In the following, charges are brought against three crimes committed against humanity, for which Dr. Joseph Ratzinger, as former cardinal and present-day pope, is criminally liable:

1. the preservation and leadership of a worldwide totalitarian regime of coercion, which subjugates its members with terrifying and health-endangering threats,

2. the adherence to a fatal forbiddance of the use of condoms, even when the danger of HIV-AIDS infection exists, and

3. the establishment and maintenance of a worldwide system of cover-up of the sexual crimes committed by Catholic priests and their preferential treatment, which aids and abets ever new crimes.

I. The Terrifying Church Regime

There is strong suspicion that Dr. Joseph Ratzinger, as cardinal and as pope, caused severe impairment to the mental and physical health of an unknown number of people in the meaning of Art. 7(1)(k) ICCSt., in any case, provoking corresponding health hazards.

1. Compulsory membership

The Roman Catholic Church acquires its members through a compulsory act, namely, through the baptism of infants that do not yet have a will of their own, as determined in Can. 96 of the Code of Canon Law (C.I.C. [Codex Iuris Canonici]):

> "By baptism one is incorporated into the Church of Christ ..."

As a rule, baptism takes place during infancy. Catholic parents must believe that their newborn child is burdened with the taint of original sin, from which it can be freed solely through baptism. In the current Catechism of the Roman Catholic Church, it literally says the following about this:

> "Born with a fallen human nature and tainted by original sin, children also have need of the new birth in Baptism to be freed from the power of darkness and brought into the realm of the freedom of the children of God, to which all men are called. … The Church and the parents would deny a child the priceless grace of becoming a child of God were they not to confer Baptism shortly after birth." (Catechism of the Catholic Church, No. 1250)

And in the Code of Canon Law, it says in Can. 867, para. 1:

> "Parents are obliged to take care that infants are baptized in the first few weeks; as soon as possible after the birth or even before it, they are to go to the pastor to request the sacrament for their child and to be prepared properly for it."

In case the child is in danger of dying, the baptism should even take place against the will of the parents. Can. 868, para. 2 C.I.C. determines the following regarding this:

> "An infant of Catholic parents or even of non-Catholic parents is baptized licitly in danger of death even against the will of the parents."

Most Catholic parents defer to this statement and have their children baptized as early as possible, usually a few weeks after birth. According to prevailing opinion, their right to care for and raise their children is sufficient for this, even though, according to Catholic doctrine, baptism binds the baptized child in a way that amounts to living in servitude. The Catholic Catechism states the following about this:

> "Having become a member of the Church, the person baptized belongs no longer to himself, but to him who died and rose for us. From now on, he is called to be subject to others, to serve them in the communion of the Church, and to 'obey and submit' to the Church's leaders, holding them in respect and affection." (Catechism, No. 1269)

The incorporation of the baptized child in the Catholic Church is irrevocable (cf. von Campenhausen, Hdb. d. Staatskirchenrechts der Bundesrepublik Deutschland, 2. Ed., Berlin 1994, p. 759 f.), due to which the church also refuses to delete people who have left the church from the baptismal records.

According to the binding doctrine of the church, leaving the church leads to the eternal punishment of hell. This is what it says, for instance, in the book by Josef Neuner and J. Dupuis, "The Christian Faith in the Doctrinal Documents of the Catholic Church," 2001. Margin Note No. 1005, p. 421:

> "The Holy Roman Church firmly believes, professes and preaches that 'no one remaining outside the Catholic Church, not only pagans' but also Jews, heretics or schismatics, can become partakers of eternal life; but they will go to the 'eternal fire prepared for the devil and his angels,' unless before the end of their life they are joined to it (the Church)."

According to Can. 1364, in conjunction with Can. 751 of the Corpus iuris Canonici (C.I.C.), to leave the church leads to excommunication, which, in turn, according to No. 1463 of the Catechism of the Catholic Church, represents a "particularly grave sin" that, according to No. 1861 of the Catechism, results in the "eternal death of hell."

2. Psycho-terror

Among other things, the following applies to members of the church (Neuner, J. and Roos, H. "The Teaching of the Catholic Church as Contained in Her Documents," Mercier Press Ltd., 1967, Margin Note No. 91, p. 63):

> "If any one shall not receive as sacred and canonical the Books of Holy Scripture, entire with all their parts, as the Holy Synod of Trent has enumerated them, or shall deny that they have been divinely inspired – anathema sit."
> "Anathema sit" literally translated from the Greek-Latin formulation means: "may he be damned."

According to this, anyone who does not acknowledge the threats of punishment in the Old Testament as the word of God is also "damned." For example:

> "If a man commits adultery with the wife of his neighbor, both the adulterer and the adulteress shall surely be put to death …" (Lev. 20:10)

> "If a man lies with a male as with a woman, both of them have committed an abomination; they shall surely be put to death …" (Lev. 20:13)

> "The man who acts presumptuously by not obeying the priest who stands to minister there before the LORD your God, or the judge, that man shall die …!" (Dt. 17:12)

> "If a man has a stubborn and rebellious son who will not obey the voice of his father or the voice of his mother, and, though they discipline him, will not listen to them, then his father and his mother shall take hold of him and bring him out to the elders of his city at the gate of the place where he lives, and they shall say to the elders of his city, 'This our son is stubborn and rebellious; he will not obey our voice; he is a glutton and a drunkard.' Then all the men of the city shall stone him to death with stones. ..." (Dt. 21:18-21)

At first glance, such things may seem like something from the Stone Age that has been obsolete for thousands of years. The Roman Catholic Church, however, views it differently. In 1965, its highest body, in the form of the Second Vatican Council, declared the following in its "Dogmatic Constitution on Divine Revelation [Dei Verbum]":

> "… For holy mother Church, relying on the belief of the Apostles, holds that the books of both the Old and New Testaments in their entirety, with all their parts, are sacred and canonical because written under the inspiration of the Holy Spirit, they have God as their author and have been handed on as such to the Church herself. … Therefore, since everything asserted by the inspired authors or sacred writers must be held to be asserted by the Holy Spirit, it follows that the books of Scripture must be acknowledged as teaching solidly, faithfully and without error that truth …"
> (Die Verbum, Chap. III,11. http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651118_dei-verbum_en.html)

Accordingly, in the Catechism of the Catholic Church held to be valid until today, it says:

> "The Old Testament is an indispensable part of Sacred Scripture. Its books are divinely inspired … Christians venerate the Old Testament as true Word of God …" (No. 121 & 123)

If this is so, it is possible that only the limits imposed by secular law are keeping the church from carrying out the threats of death that the Old Testament holds ready for adulterers, homosexuals, heretics and disobedient children.

Among other things, the God of the Old Testament, the words of which the church still considers valid today as "the true Word of God," calls upon one to:

> "Take care, lest you make a covenant with the inhabitants of the land to which you go, lest it become a snare in your midst. You shall tear down their altars and break their pillars and cut down their Asherim [sacred poles]." (Ex. 4:12-13)

Paul, who is venerated by the church as the "apostle to the nations," even goes a step further, by writing the following about heretics or followers of other cults:

> "They were filled with all manner of unrighteousness, evil, covetousness, malice … They are full of envy, murder, strife, deceit, maliciousness. … they know God's decree that those who practice such things deserve to die…" (Rom. 1:29, 32)

How seriously the church takes such calls, when secular law does not hold it in check, was demonstrated, for instance, by its missionary work in Latin America. And should a nation rebel against the cruel God of the Old Testament, with whom the church identifies, it is threatened anew with terrible things:

> He "shall eat up the nations, his adversaries, and shall break their bones in pieces and pierce them through with his arrows." (Ex. 24:8)

Even if a contemporary with common sense is not at all inclined to connect this with God, according to church opinion, this, too, is the "true word of God," and anyone who claims differently is considered one of the false teachers, against whom the church hurls the following words in the second Letter of Peter:

> "But these, like irrational animals, creatures of instinct, born to be caught and destroyed … They are blots and blemishes …" (2 Pet. 2:12-13)

There is no freedom of faith or of conscience. Instead, the following holds true:

> "Furthermore we declare, state and define that it is absolutely necessary for the salvation of all men that they submit to the Roman pontiff." (Neuner & Roos, op.cit., Margin Note 342)

The decisions of the pope are

> "irreformable of themselves, and not from the consent of the Church. But if any one – which God avert – presume to contradict this Our definition – anathema sit." (=damned) (Neuner-Roos, op.cit., Margin Note 388)

"To be damned" means to be damned to the eternal torments of hell. Karl Jaspers, one of the great German philosophers of the past century, writes the following about these sanctions: "There are the eternal torments of hell: the Church relentlessly spurned the teachings of Origin, who regarded the punishments of hell as limited in time by the restoration of all things (apokatastasis panton) … through this, the souls remained in its hand. Nietzsche pointed out … that the Church seized the widespread concept of eternal punishment as the 'most fertile egg of its power' … Because the priest penetrates into the inmost of the soul – on the strength of his office, not as mere mortal – he can put unheard-of pressure on the believer. Parents may be held liable and threatened with purgatory, for failing to keep their grown children in the Church." (Jaspers, "Philosophical Faith and Revelation," New York, 1967, p. 43.) In the official documents of the Roman Catholic Church, about "The Last Things," it says among other things:

> "… in accordance with God's universal ordinance the souls of those who die in actual mortal sin descend immediately after death to hell where they are tormented by eternal punishment." (Neuner & Roos, Margin Note 822)

> "But whoever dies in mortal sin without penance will without any doubt suffer for ever in the fires of eternal hell." (Neuner & Roos, Margin Note 815)

Thereby, it is brought again and again to the believer's attention that this involves not only mental-emotional torments, but also terrible physical tortures, with which Jesus Christ allegedly will punish the evil ones at the Last Judgment:

> "Jesus Christ … will come at the end of time to judge the living and the dead, to render to each according to his works, to the rejected and to the elect, who will all arise with their own bodies which they now have so that they may receive, according as their works were good or bad, either perpetual punishment with the devil or eternal glory with Christ." (Neuner & Roos, Margin Note 813)

At the same time, the church threatens the faithful, by way of the alleged statements of Jesus found in the Gospel text authorized by the church:

> "When the Son of man comes in his glory … he will place the sheep at his right hand, but the goats to his left … Then he will say to those at his left hand, 'Depart from me, you cursed, into the eternal fire prepared for the devil and his angels' … And they will go away into eternal punishment …" (Matthew 25:31,32,41,46)

The social psychologist Franz Buggle writes about the eternal torments of hell, with which the church makes threats in its own documents with the help of the alleged words of Jesus; among other things: "… a threat of punishment, which disastrous, psychologically devastating effect on countless people in the history of Christendom cannot be at all overstated. Try to free yourself from all inurement caused by religious education and to realize what psychological significance a threat of eternally lasting torments must have. All otherwise known tortures and punishments pale in the face of this, because they are at least limited by time. … there is hardly any other psychological phenomenon like the threat of eternally lasting torments, which very much deserves the name psychoterror!" (Buggle, Denn sie wissen nicht, was sie glauben, [For They Know Not What They Believe] 1992, p. 98)

In many people, not lastly in children and youth, the results of this terror are fear of sinning, chronic bad conscience, hypochondria, and a myriad of manifestations of "ecclesiogenic neuroses," which can imply bondage to the church, and which is still effective even in those who, over the course of their life, tried to free themselves from the details of the church message of threat. Karl Jaspers writes concerning this: "To the hour of death, the priest may bring comfort or torment; to this day, Catholics who have ceased to believe are seen to turn back then, as if held by an inner chain …" (Jaspers, op.cit., p. 43) It is the mental agony that shackles church members from a very early age, expressed in one of the most important writings of the papal church, in which it says: "It is a fearful thing to fall into the hands of the living God." (Heb.10:31)

3. A crime against humanity

The coercion of faith and of conscience that goes out from the Roman Catholic Church, practiced against members recruited and held under compulsion, and enforced with threats of the severest evil imaginable in the eternal torments of hell, is a grave impairment of the personal freedom of development and of a person's emotional and mental integrity. That church members thereby do not collectively collapse mentally and emotionally can only be due to the fact that many do not take a large part of the church's message of threat seriously. However, this inner emigration does not change anything about the inhumanness of the system and its goal of the total emotional and mental subjugation of church members. And it literally presumes the following: "She must therefore with painstaking care remove and eradicate anything that is contrary to faith …" (Neuner & Roos, Margin Note 352)

How seriously this is meant can be seen by the trail of blood left by the Crusades, the Inquisition and the witch burnings. That the church presently cannot put its spirit of violence into practice in physical acts of violence does not change a thing about the fact that its system of mental subjugation is contrary to human rights. The constantly repeated threat, issued in different variations: "If you do not believe what I tell you, you will suffer the eternal torments of hell," occurs towards people whom the church expects to take this threat seriously. And many do so and therefore become ill, either now and then, or even chronically: With their first sexual contact, young people suffer under the anxiety of having sinned; married couples allow themselves to be forbidden the use of birth control measures; non-Catholics who marry Catholics must, at the time of marriage, pledge to raise the children as Catholics; mentally ill people have "evil spirits driven out" by church exorcists, and in the process, parents even risk the death of their child. Children abused by priests and their parents feel obliged to remain silent about the crimes; African Catholics become infected with HIV, because according to Catholic sexual "morals," the use of condoms is not allowed.

Ultimately, the damages caused by church coercion do not need to be determined, because, with the crimes committed against humanity via the threats that are under consideration here, a serious threat to the victim's health is already sufficient (cf. Werle, Völkerstrafrecht, 2.Ed., 2007, Margin Note 343). In any case, it concerns the mental use of force, which is similar to other crimes against humanity, such as "coercion into prostitution" [Art. 7(1)(g) ICCSt.] or deportation (d) or – "remove and eradicate anything" – apartheid (j). Compared to the threats of the eternal torments of hell, the temporal suffering connected with these is nigh on harmless. The church system of coercion thus falls under the elements of an offense of "other inhuman acts of a similar kind" in the meaning of Art. 7(1)(k) ICCSt.

The fact that the church system of coercion has been in existence for about 1500 years and is an established religion in the countries of the western hemisphere does not change this, either. This establishment did not take place through the free recognition of the church system, but through compulsory membership, mental oppression and bloody violence. The outcome of this historical process, which led to the "worldwide church," was accepted with the help of tradition and inurement, nolens volens (like it or not), even though, throughout the centuries, resistance of a philosophical and religious kind took place. Over and over again, these were successfully quelled, in part, in an extremely bloody way and with state help.

This state help also consisted of the fact that no legal limits were set regarding the preservation of this church system of coercion. This has changed since the Rome Statute of the International Criminal Court of July 1, 2002 came into effect. With this, the statutory offense of crimes against humanity was created as an international law. It protects not only against murder and manslaughter, but also has in mind human rights that go beyond this, such as protection against racial discrimination, expulsion and deportation and "other inhuman acts of a similar kind." In this respect, it is a cultural turn for mankind initiated through the international criminal law. Health-endangering psycho-terror consisting of coercion of faith and of conscience by way of inhuman threats is no longer tolerated, but is, instead, punishable, insofar as it is inflicted upon a "civilian

population" through an "extensive or systematic" act (Art. 7(1) p. 1 ICCSt.). The coercive system of the church is equal to such an attack, for the threats made by the church take place "pursuant to or in furtherance of a State or organization policy," namely that of the church, "to commit such an attack," [Art. 7 (2)(a) ICCSt.] in order to enforce its doctrine worldwide against the "civilian population."

4. The criminal responsibility of Dr. Ratzinger

The accused may very well not have initiated the church system of coercion; however, as pope, he is responsible for its preservation and enforcement and, as Prefect of the Congregation for the Doctrine of the Faith of his church, he was jointly responsible, being in a decisive position as the representative of the former pope. He was head of the church's Inquisition authority and felt accordingly. In a radio interview in March 2005, he said: "Grand Inquisitor is a historic definition. Somewhere, we stand in a line of continuity." And he added that one "must indeed say that the Inquisition was progress, because nothing could be condemned anymore without 'inquisitio' [a hearing]."

Today, the accused bears the final responsibility for all his church's doctrines and threats. Therefore, he is also responsible for the fact that the church system of coercion, installed before his election as pope, continues to exist. He could revoke the threats of eternal torments of hell. As long as he does not do this, he fulfills the above-indicated statutory offense of Art. 7(1)(k) ICCSt. by way of omission (cf. also Werle, op.cit., Margin Note 472 f.).

II. The Murderous Forbiddance of Condoms

There is strong suspicion that, as pope, Dr. Joseph Ratzinger has caused an undetermined number of people severe impairment of their physical health or even their death, in the meaning of Art. 7(1)(a) and (k) ICCSt.

1. The conflict

According to UN figures, more than 22 million people in Africa are presently infected with HIV-AIDS; approximately 30 million have already died of the epidemic. In South Africa, every fifth person is affected by it. There are about 500,000 new infections annually. Many millions of Catholics also live in the areas affected.

The transmission of the HIV virus occurs through the exchange of bodily fluids. For this reason, one of the most important measures for the containment of the epidemic consists in urging people in the endangered areas to use condoms during sexual intercourse.

According to the doctrine of the Roman Catholic Church, proclaimed via the encyclical Humanae Vitae by Pope Paul VI in 1968, contraceptives, however, are strictly forbidden. And nothing changed regarding this when the number of persons infected with HIV skyrocketed during the 1980s and 1990s and the HIV virus led to millions of deaths, which continues until today. When Pope John Paul II visited Uganda in February 1993, he omitted the burning question concerning a change in the life-endangering forbiddance of condoms. He preferred to accept the spread of the epidemic rather than to change the "moral" doctrine of the Vatican. In a "Vademecum for Confessors," which the same pope commissioned in 1997, Cardinal Alfonso Lopéz Trujillo, president of the "Pontifical Council for the Family," emphasized the absolute validity of the old determination: "The Church has always taught the intrinsic evil of contraception, that is, of every marital act intentionally rendered unfruitful. This teaching is to be held as definitive and irreformable."
(http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_12021997_vademecum_en.html)

Members of the Catholic Church who live in the areas of Africa threatened by HIV-AIDS, that is, primarily south of the Sahara, are faced with a terrible alternative: If they protect themselves with condoms during sexual intercourse, they become grave sinners; if they do not protect themselves out of fear of the

punishment of sin threatened by the church, they become candidates for death. In 1989, a Catholic moral theologian – Carlo Caffarra, who today is the Archbishop of Bologna – called for ending all sexual activities, even within marriage, if one of the partners is HIV positive. Forbidding the use of condoms not only led to fatal infections among Catholics, but at the same time also abetted in the contraction of this disease among non-Catholics.

For years, resistance to this unworldly and life-endangering "moral" has been expressed, also from within the ranks of the church. According to *Spiegel Online* on April 4, 2010, Kevin Dowling, the Catholic Bishop in Rustenburg, South Africa, already charged his church on World AIDS Day 2003, with being "blind toward the reality of life of millions of poor people." The people in Africa "live, suffer and die because of this disease." In his bishopric, the Bishop has experienced firsthand, how people in the workcamps die of AIDS by the dozens. "I believe that people living with HIV must be invited and challenged to use a condom in order to prevent the transmission of potential death to another person, or to protect themselves from infection, especially in abusive and destructive relationships," declared the Bishop.
(http://www.mh2.dds.nl/2003/kitchap5/Michael4%20oct.htm)

2. Obedience with fatal consequences

But the present ruling pope also closes his ears to the moral dilemma of his priests and believers. Even worse: During his first trip to Africa in March 2009, when many African Catholics hoped for a redeeming word, he intensified the dilemma during a conversation with journalists aboard the airplane that took him to Africa. He stated: "The scourge cannot be resolved by distributing condoms; quite the contrary, we risk worsening the problem." He said that the solution lies in a "spiritual and human renewal" and in "true friendship, above all, for those who are suffering."
(http://www.catholic.org/international/international_story.php?id=32739 [cf. nachrichten.t-online.de from March 18, 2009])

All the aid organizations with no ties to churches, such as the United Nations International Children's Emergency Fund (UNICEF), reacted with incomprehension to so much ignorance. For the pope's statement occurred two years after the publication of the sensational book "Gott, Aids, Afrika" (God, AIDS, Africa) by Grill und Hippler, in which the years-long leader of the German Congregation in Cape Town (Hippler) reported about the terrible moral dilemma and the mortal dangers associated with it for the Catholic population of South Africa. Among other things, he wrote: "How can we justify the death of people even if they do not live up to our church's strict moral code? Shouldn't the teenager who sleeps with his girlfriend protect himself – and her? It's literally a question of life and death. In that light, long discussions about whether the authorization of condoms might lead to an increase in promiscuity are irrelevant. Indeed, the debate has already been settled. Studies conclusively show that the use of prophylactics has no influence on the numbers of sexual partners or frequency of sexual acts. Isn't it high time that empirical studies – facts – should be integrated in the study of moral theology?
But then, there is also concern that obedience to the church's teaching authority might take a knock if moral theology is altered."
(www.stefanhippler.com/ebook/God-Aids-Africa.html)

How right the author was about this became evident after the publication of his book. His contract in Cape Town was not renewed by his church. Book-signing tours in Germany or participation on talk shows was forbidden him by the German Bishops' Conference.

In 2009 another report about the fatal conflict between church doctrine and fighting AIDS effectively was published in the book "Das möge Gott verhüten" ("May God Prevent This") by the former nun Majella Lenzen. Among other things, the nun reported: "For 33 years, I have helped people, particularly sick people, so that they could lead a life in dignity. The people have suffered from cholera, malaria, HIV, AIDS – their misfortune has made me courageous. Until it came to the final scandal. I was stigmatized as the 'condom nun,' because I – against the orders of the church – espoused contraceptives as a possibility for preemptively counteracting the immune deficiency AIDS. For me, this was a

necessity, because I have experienced the misery in the huts of the orphaned children in East Africa, I have seen the terribly emaciated bodies of the women marked by the disease, I have held their feeble hands and seen their anxious, sunken eyes." In the end, she had to leave her order. In the epilogue of her book, she writes, among other things: "The fact that the church preaches so vehemently against condoms makes it jointly responsible that on Kilimanjaro, every third person is now HIV positive. The number of dead continuously climbs."

3. A crime against humanity

This report from an eyewitness did not change anything in the Vatican, either. The same is true of an extensive expert report, which the pope has and which raises the question of a revision of the church's life-endangering doctrine on sexual relations.

Instead, in an interview with the journalist Peter Seewald, which led to the book "Light of the World," the pope casually commented on the problem of preventing AIDS with condoms. He said: "There may be justified individual cases, for instance, when a prostitute uses a condom, where this can be a first step toward moralization." But, of course, the church does not view this as a real and moral solution. "… in this or that case, there can be nonetheless, in the intention of reducing the risk of infection, a first step in a movement toward a different way, a more human way, of living sexuality." (http://www.bbc.co.uk/news/world-europe-11804798) This remark made the global public prick up its ears. In reality, however, it did not initiate a change. In a report by the German Press Agency on Dec. 22, 2010, the following is stated about this:

> "Church Clarifies:
> Condoms Are Still Forbidden for Catholics
> The Congregation for the Doctrine of the Faith in Rome has stated the position of the Catholic Church on condoms more precisely. It states that to interpret the pope's statements as permission to used contraceptives is wrong.

> Despite Pope Benedict XVI statements being frequently greeted as loosening the condom forbiddance, his Church keeps to its rejection of contraceptives. The Congregation for the Doctrine of the Faith stated in a so-called note that in reality, Benedict's words changed neither the moral doctrine nor the pastoral practice of the Catholic Church. ... In its extensive note, the Congregation, formerly led by Ratzinger, especially countered deliberate wrong interpretations of these pontifical statements: 'The idea that anyone could deduce from the words of Benedict XVI that it is somehow legitimate, in certain situations, to use condoms to avoid an unwanted pregnancy is completely arbitrary and is in no way justified either by his words or in his thought.'" (http://www.dici.org/en/news/a-note-from-the-congregation-for-the-doctrine-of-the-faith-on-the-pope%E2%80%99s-remarks-about-condoms)

This kind of thinking is an accessory to death.

4. The criminal responsibility of Dr. Ratzinger

It is true that the accused did not initiate the strict forbiddance of contraceptives; however, as pope, he is responsible for the fact that it continues to exist, for he could revoke it.

Due to the fact that he does not do this, he is – by omission – responsible for the fact that in regions threatened with AIDS Catholics abstain from the protection by condoms out of fear of punishment for their sins. The church's coercive system and the threat of the eternal torments of hell associated with it for committing grave sins has, in this case, a fatal effect in hundreds of thousands, that is to say, millions, of cases. The pope's moral reservation about revoking the forbiddance of condoms is no justification for accepting the risk of infection or the death of countless people and the misery of countless orphaned children that go with this forbiddance. In any case, saving human lives is the greater good, it is mandatory according to international law and prevails over the church doctrine that is contrary to human rights.

III. Joseph Ratzinger's Patronage of the Sexual Crimes of the Clergy

Finally, there is the strong suspicion that Dr. Joseph Ratzinger, as Prefect of the Congregation for the Doctrine of the Faith of his church and as pope, has up to the present day systematically covered up the sexual abuse of children and youth and protected the perpetrators, thereby aiding and abetting further sexual violence toward young people in the meaning of Art. 7(1)(g) ICCSt.

1. The worldwide sexual crimes of Catholic priests

Meanwhile, it is known that during the last decades, thousands of Catholic priests have sexually abused and raped tens of thousands of children and youth. The following account is limited to the sexual crimes committed in the countries most affected and some examples of the cover-up by the church. It is mainly based on the compilation by Geoffrey Robertson QC, THE CASE OF THE POPE, 2010 (enclosed) and the reports of German and English media. In addition, reference is made to the website gottes-suche.de and the encompassing compilation "Sexual Violence in the Catholic Church During the Years 1993 to 2011" found there.

1.1 USA

The complete magnitude of the crime first became known through a series of reports by the *Boston Globe* in 2002. The newspaper reported that since the mid-1990s, 130 victims of a Bostonian priest reported their terrible childhood experiences. As school children, they had been abused and raped over a period of three decades. The cardinal in charge, Bernard Law, was well aware of the fact that it wasn't one specific priest, but a number of his priests who were sexually molesting young boys, but his only reaction to the accusations of their victims was to transfer the priests to different parishes where their past was unknown. The cardinal himself was transferred to the Vatican where he received honorable tasks while his diocese had to pay over $100 million in damages to the victims of the priests he was covering up for. (cf., Robertson, op.cit. p. 16)

In all of the United States, countless victims of ecclesiastic child molesters have now spoken up. The Archdiocese of Los Angeles settled with the victims there to the tune of $660 million in damages. It also became known that the bishop of Portland, William Levada, had learned of the danger of pedophile priests in his diocese as early as 1985, but undertook nothing against it. The tolerance of these wrongs and their resulting damage almost plunged his diocese into bankruptcy from which it could emerge only by agreeing to pay $75 million in damages to the victims. Today, Levada succeeds the pope as Prefect Cardinal of the Congregation for the Doctrine of the Faith. Other dioceses resorted to bankruptcy in order to escape child abuse lawsuits filed by victims of sexual crimes by the clergy. The Vatican, from which came all instructions on how to deal with the problem of pedophiles in the worldwide church, did not step in to save them from bankruptcy, although it receives millions in annual contributions (Peter's Pence) from the dioceses. In the end, the total bill for the crimes of the church's child sex abusers could amount to 5 billion dollars, as *Forbes* magazine predicts. (cf. Robertson, op.cit. pp. 16-17)

Sex abuse crimes committed by Catholic priests have become known in almost every state of the United States. When it was no longer possible to transfer the perpetrators from parish to parish or from one diocese to the other, the bishops in New York started sending them to other countries (instead of prison). "Recent investigations have indicated a traffick in pedophile priests to and from the US with Ireland, Rome, Mexico and Africa." The minimal number of sexual abuse cases was given in a report conducted by the *John Jay College of Criminal Justice* in New York and commissioned by the US Catholic Bishops Conference (in 2002): 10,667 persons concerned "had made plausible allegations against 4,392 priests." While in 2002, Cardinal Ratzinger wanted to reduce the number of perpetrators to one percent of the priesthood, it now became clear that the number amounts to 4.3 percent. The worst case was that of Father Lawrence Murphy, who, over a period of twenty years, sexually abused 200 deaf-mute boys in Wisconsin – a case which will be dealt with again in connection with Cardinal Ratzinger's actions. (cf. Robertson, op.cit., pp. 18-23)

1.2 Ireland

While Pope John Paul II sought to downplay the massive amount of child molesting done by Catholic priests as a particularly American problem, (Robertson, op.cit., p. 20) in Ireland, a commission chaired by Sean Ryan, Justice of the High Court, became active in 2001 to work out the rules of compensation. Their report was published in 2002, after having undertaken the first inquiries into sexual abuse in Catholic educational facilities. An extensive report was published in 2009, drafted by the "Commission to Inquire into Child Abuse," again chaired by Justice Ryan. (The "Ryan Report"). He described the sexual abuse in Catholic facilities as "endemic." Witnesses reported that their feelings of shame, the superior physical force of the abusers, the practice of silence, the isolation and the fear of physical punishment, all these prevented them from exposing this abuse. (Volume III, Chapters 7, 9 pp. 13-18, "Knowledge and Disclosure"). Furthermore, the following is written in the report:

"It is impossible to determine the full extent of sexual abuse committed in boys' schools … Cases of sexual abuse were managed with a view to minimising the risk of public disclosure and consequent damage to the institution and the congregation. This policy resulted in the protection of the perpetrator. When lay people were discovered to have sexually abused, they were generally reported to the Gardai (police). When a member of a congregation was found to be abusing, it was dealt with internally and was not reported to the Gardai (police). …

The recidivist nature of sexual abuse was known to religious authorities. The documents revealed that sexual abusers were often long-term offenders who repeatedly abused children wherever they were working. Contrary to the congregations' claims that the recidivist nature of sexual offending was not understood, it is clear from the documented cases that they were aware of the propensity for abusers to re-abuse. The risk, however, was seen by the congregations in terms of the potential for scandal and bad publicity should the abuse be disclosed. The danger to children was not taken into account. When confronted with evidence of sexual abuse, the response of the religious authorities was to

transfer the offender to another location where, in many instances, he was free to abuse again." (Ryan Report. Conclusions: 19-22).

In November 2009, under the chairmanship of Judge Yvonne Murphy, a report was drafted, which dealt with the situation in the Diocese of Dublin. The scope of the report encompassed the years 1975 to 2004. Again, a large number of witnesses were heard and corresponding documents evaluated. 14,500 victims were ascertained. Based on the abundance of evidence, the commission came to the following conclusion, in summary:

> "The Commission has no doubt that clerical sexual child abuse was covered up by the Archdiocese of Dublin and other Church authorities over much of the period covered by the Commission's remit. The structures and rules of the Catholic Church facilitated that cover-up. The State authorities facilitated the cover up by not fulfilling their responsibilities to ensure that the law was applied equally to all and allowing the Church institutions to be beyond the reach of the normal law enforcement processes. The welfare of children, which should have been the first priority, was not even a factor to be considered in the early stages. Instead the focus was on the avoidance of scandal and the preservation of the good name, status and assets of the institution and of what the institution regarded as its most important members – the priests. In the mid-1990s, a light began to be shone on the scandal and the cover up. Gradually, the story has unfolded. It is the responsibility of the State to ensure that no similar institutional immunity is ever allowed to occur again. This can be ensured only if all institutions are open to scrutiny and not accorded an exempted status by any organs of the State."
> (http://www.inis.gov.ie/en/JELR/Part%201.pdf/Files/Part%201.pdf).

1.3 Germany

And in Germany, the wall of silence concerning the abuse of children in church facilities on a massive scale was also impenetrable for a long time. It was broken through in 2010 by the leader of the Canisius College of the Jesuit Order. Investigations were made after several cases of abuse during the 1970s and 1980s

became known to him. They revealed that for years on end, 50 priests sexually abused over 200 children and youth at the Canisius College. Further child abuse crimes in many other bishoprics soon became known. Until then, everything had been kept secret. (cf. *Der Spiegel* 6/2010) Now, much came to light. In Bavaria alone, at least 280 perpetrators were determined, who, since 1945, had become sexually abusive towards children and youth in church facilities. (cf. *Süddeutsche Zeitung*, Oct. 22, 2010). These investigations brought to light that also in the Archbishopric of Munich and Freising sexual child abuse cases had been systematically covered up. In at least one case, the then acting cardinal in Munich, Joseph Ratzinger, was responsible: When in 1979 a pedophile priest was transferred from Munich to Essen, he was once more appointed to pastoral care there without being reported to the police. Later, he became a recidivist and was finally sentenced by a German court (cf. Robertson, op.cit., p. 29; süddeutsche.de from Mar. 26, 2010; *Der Spiegel* 48/2010). An investigative report commissioned by the bishopric in 2010 determined that relevant files had, in part, been destroyed or were filled with gaps. When priests were transferred to other bishoprics, the grounds were not mentioned. If it was about sexual offenses, these were played down. In the *Süddeutsche Zeitung* the result of the report was reflected in the headline of the article: "Abuse Systematically Covered Up By Church." The newspaper summarized: "No matter whether the cardinals were Döpfner, Ratzinger or Wetter – the victims of sexual violence did not find a sympathetic ear, the perpetrators, on the other hand, did, all the way to the brink of the obstruction of justice." (*Süddeutsche Zeitung* from Dec. 4-5, 2010)

1.4 Canada

In Canada, the first large child molester scandal occurred in 1990: Nine Christian Brothers, a lay organization of the Catholic Church, were gaoled for repeated sexual assaults on boys in an orphanage. In 2001 it was revealed that a Catholic school in Montreal had become a den for sexual abuse, covered up repeatedly by compensation payments for the crimes of priests who were never reported to police. In 2003 police discovered that a bishop had hidden handwritten confessions from one priest whom he had transferred to another parish without calling attention to the priest's criminal record. The man was eventually con-

victed of abusing 47 girls. Canada's biggest scandal is the sexual, physical and emotional violence that took place in residential schools for aboriginal children, also run by the Catholic Church. A national compensation agreement required the church to pay $80 million dollars and the government had to pay $2.2 billion. The Pope has apologized, but here, too, there have been concerns that the church did not fully cooperate with the government Commission that had investigated the crimes. (cf. Robertson, op.cit., p. 33 f.)

1.5 Australia

Practically no country where the Catholic Church is active was spared. In Australia 90 priests have been convicted for sexual abuse, but many more have been protected from the criminal justice process, because the church has kept allegations secret and made confidential settlements. In 2010 it became known that a commissioner of the church ordered payments in respect of the sexual molestation of children by 300 priests, only one of whom had been defrocked. In one case, a child molester was transferred to another parish, where he transgressed again. (cf. Robertson, op.cit, pp. 32-33)

1.6 Africa

The church proceeded to transfer its child abuse criminals more and more, not only from parish to parish, but to Africa in droves. In May 2010, the first reports about the intense trafficking of child-molesting priests from Germany, Italy, Ireland and the USA to Nigeria, South Africa, Mozambique and the Congo became known. The head of the South African Bishops Conference complained that the continent had been sent priests who were "wolves wearing sheepskin." (cf. Robertson, op.cit., p. 30 with endnote indicating *Legal Brief Africa*, Issue No. 379, May 3, 2010)

1.7 Prominent perpetrators

Meanwhile it is becoming known more and more that sexual perversion is by no means limited to the simple priesthood, but reaches into the highest ranks of the Catholic Church. At the same time, the sex scandals involving bishops and arch-

bishops frequently opened the door to deeper insight into the immorality of the Catholic clergy. For example, in April 2010 the Bishop of Bruges (Belgium) resigned from his office, because the fact that he had sexually abused his nephew for years came to light. He waited to confess his crime until the 10 year limitation-period had elapsed and he could therefore no longer be punished. His case led to the appointment of an investigative board of inquiry of the Belgian Bishops Conference, whose investigations revealed that over the course of past decades at least 488 cases of abuse had occurred. A state investigation of the cases did not take place. (cf. *Süddeutsche Zeitung* from Sept. 14, 2010 and NY Times July 12, 2010, "Abuse Took Years to Ignite Belgian Clergy Inquiry").

In Norway, Archbishop Mueller admitted to abusing a 12-year-old altar boy in the early 1990s. The worst case of a church spiritual leader is the case of the former Cardinal Hans-Hermann Groer from Austria, who had molested an estimated 2,000 boys in his twenty-year passage to a bishopric. He was never punished for this; instead, Pope John Paul II even permitted him to withdraw undisturbed to a monastery. Some of his victims received compensation and were bound to silence. These events took place in the 1980s and 1990s when Joseph Ratzinger was Prefect of the Congregation for the Doctrine of the Faith.
In 2000, he and John Paul II were also informed that the Polish Archbishop Julius Paetz was abusing trainee priests. They ignored this information at the time and did not ask Paetz to resign until the truthful allegations became public, several years later. (cf. Robertson, op.cit., pp. 29-30).

In Latin America people became aware of the crimes of ecclesiastic child abuse, primarily committed by a friend of Pope John Paul II, Padre Marcial Maciel Degollado. The pope received him in 2004, to celebrate the 60th anniversary of his ordination as priest and to thank him for "a ministry full of the gifts of the Holy Spirit." (http://www.karoljackowski.com/NationalCatholicReporter-Dec 10-04.html) In Mexico Maciel had founded the Order *Legionaires of Christ*, an organization similar to the notorious *Opus Dei*. In its issue of Oct. 16/17, 2010, the *Frankfurter Rundschau* reported the following about this man:

> "If there were an internal-church ranking list of the gravest sinners, Maciel would take top place. For decades, the founder of the order, who died in 2008, was not only inclined to worldly vices like intoxicants. He was also not particularly serious about celibacy and fathered three children with two women, as the Order itself has now admitted. But what weighs heaviest, is the fact that Maciel is said to have abused 20 to 100 children, including his own children. According to statements from the victims, his excuse for this was a 'stomach ailment' that could be relieved only by means of 'massage.' After the completed 'treatment,' he heard the victims' confession and swore them to secrecy, as required by the regulations of the order. The accusations against Maciel were known in the Vatican for decades. Already at the end of the 1970s, a victim had described his torments and sent the letter, annotated with the assertions of fellow sufferers, to Rome. Nothing happened. It was only in 1997 that eight former Mexican seminarians dared to go public. Shortly thereafter, they filed a complaint with the Congregation for the Doctrine of the Faith; the investigation, however, was soon discontinued. … Only when John Paul II was on his deathbed, did Ratzinger initiate a new investigation; what the chief prosecutor of the Congregation for the Doctrine of the Faith, Charles Sciculuna, learned from Maciel's victims was so shocking that in 2006 Rome ordered the founder of the order to lead 'a retiring life of prayer and penance.' No legal action was taken against him. Maciel died at the age of 87 undisturbed in the USA."

In Argentina, as well, a prominent church leader, the Archbishop of the archdiocese of Santa Fe de la Vera Cruz, was the object of serious accusations. 47 young seminarians accused him of sexually abusing them. In February 1995, the bishop traveled to Rome and managed to have Pope John Paul II suspend the investigation and ratify his post. Only when the Argentinean journalist Olga Wornat made the case public in 2002 in the book "Our Holy Mother" ("Nuestra Santa Madre") and a former seminarian filed charges against the bishop, did he resign his post. At the end of 2009, he was sentenced to 8 years imprisonment, which he is serving under house arrest.
(http://en.wikipedia.org/wiki/Sexual_abuse_scandal_in_Santa_Fe_de_la_Vera_Cruz_archdiocese)

In Nigeria, the Archbishop of Benin City, Richard Anthony Burke was accused of maintaining a sexual relationship with a minor girl and of having lived in concubinage. On May 31, 2010, Pope Benedict XVI accepted his resignation. (Wikipedia, Sexueller Missbrauch in der römisch-katholischen Kirche, 2.8.1.) There is nothing known about a legal case against the bishop.

2. The cover-up strategy

2.1 The pontifical secret

Before his election to the papacy in 2005, Dr. Joseph Ratzinger had been the Prefect of the Congregation for the Doctrine of the Faith since 1981. It consists of three departments. One of them is the "Department of Discipline," which deals with offenses against morals. From 1962 on, the treatment of such offenses is based on a confidential pontifical decree entitled "Crimen solicitationis." In cases of sexual offenses committed by priests, it obligated every perpetrator, every victim and every witness to keep absolute secrecy under the threat of excommunication. At first, even the decree itself remained a secret. Responsibility for the administrative channel and litigation procedure was exclusively in the hands of the Sacred Congregation of the Holy Office. On April 30, 2001, by way of a Motu Proprio (Apostolic Letter) entitled "Sacramentorum sanctitatis tutela," Pope John Paul II superceded the policies of "Crimen solicitationis" from 1962. The announcement of the new regulations took place by way of the letter "de delictis gravioribus" (on serious delicts) of May 21, 2001, from the then head of the Congregation for the Doctrine of the Faith, Cardinal Ratzinger, to all bishops of the Catholic Church. Among other things, it says:

> "A delict against morals, namely: the delict committed by a cleric against the Sixth Commandment of the Decalogue with a minor below the age of 18 years … is reserved to the apostolic tribunal of the Congregation for the Doctrine of the Faith." "As often as an ordinary [i.e.,bishop] or hierarch has at least probable knowledge of a reserved delict, after he has carried out preliminary investigation he is to indicate it to the Congregation for the Doctrine of the Faith, which unless it calls the case to itself because of special

> circumstances of things, after transmitting appropriate norms, orders the ordinary or hierarch to proceed ahead through his own tribunal.... When the trial in the tribunal is finished in any fashion, all the acts of the case are to be transmitted ex officio as soon as possible to the Congregation for the Doctrine of the Faith. … Cases of this kind are subject to the pontifical secret." (Robertson, op.cit., pp. 199, 200).

2.2 The practice of cover-up

Even just considering this canonical situation, one has to assume that the head of the Congregation for the Doctrine of the Faith was always informed about all the sexual crimes that were committed by Catholic priests worldwide. Furthermore, one has to assume that he was also basically informed on how the local bishops handled the investigations or the settlement of the cases known to the local bishops and to the Congregation for the Doctrine of the Faith in Rome. He knew that, as a rule, the church did not inform the police and that punishment of the perpetrators thus remained within the church, whereby the maximum punishment, even for the worst sexual crimes, is merely excommunication and dismissal from office. Furthermore, he knew that such dismissals not only occurred very rarely, but that in many cases the priests were re-assigned and often abused children again. Of course, he also knew when state investigative commissions were appointed (for example, in Dublin and Massachusetts), to investigate the sexual crimes of his priests, and how these commissions were hindered in their investigations by the church. In November 2009, the Murphy Commission not only determined that for decades the Catholic bishops of Ireland had kept secret the rape and mistreatment of minors, involving a total of 14,500 victims, but that the cover-up also continued toward the commission itself, as was also done during the investigation by the Attorney General of Massachusetts. The latter spoke of a "culture of secrecy" and the John Jay study (cf. Above 1.1) reached the shocking finding that 76 per cent of child sex abuse allegations made against priests had never been reported to law enforcement authorities. (Robertson, op.cit. p. 22) The Murphy Commission wrote in its report that, in Massachusetts as in Dublin, secrecy "protected the institution at the expense of children." (Murphy Report, Chapter 1, No. 28; http://www.inis.gov.ie/en/JELR/Part%201.pdf/Files/Part%201.pdf). Recently, it has been discovered via *Wikileaks* that it was the Vatican itself that put obstacles in the way of the investigative com-

mission when it requested information from Rome. It was rejected, because the request for information was not done via the Irish government but went directly to the Vatican, which infringed upon its right to sovereignty (cf. *Welt online*, "Vatikan verweigerte Mitarbeit an Missbrauchsbericht," from Dec. 12, 2010; *The Guardian*, WikiLeaks cables: "Vatican refused to engage with child sex abuse inquiry," from Dec. 11, 2010).

Secrecy was the highest precept, not only legally, as written in the letter from Cardinal Ratzinger in 2001, but also in actual fact, cover-up was the order of the day. A particularly crass confirmation of this is very dramatically provided by an event from 2001, which just recently became known: On Sept. 8, 2001, the Vatican congratulated the French Bishop Pierre Pican of Bayeux for a very special deed. Even though according to French law, he would have been obligated to report the sexual abuse committed by priests to the police, he did not do so, and at that, despite it being an especially grave case: the priest René Bissey had repeatedly raped a boy and molested ten others. He was finally sentenced to 18 years in prison. Bishop Pican was sentenced to three months probation for infringing against the obligation to disclosure. In the letter of commendation from Rome, it says: "You have acted well and I am pleased to have a colleague in the episcopate who, in the eyes of history and of all other bishops in the world, preferred prison to denouncing his son and priest." The letter was signed by the Prefect of the Congregation of the Clergy, Dario Castrillón Hoyos and, with the approval of the pope and of the Prefect of the Congregation for the Doctrine of the Faith, that is, Cardinal Joseph Ratzinger, a copy was sent to all Bishops Conferences. (cf. *Washington Post* from April 23, 2010; http://www.washingtonpost.com/wp-dyn/content/article/2010/04/22/AR2010042205304.html; Robertson op.cit., p. 42).

This fits right in with similar behavior patterns of the Vatican in other cases. When in view of the increasing child molesting scandals, the American Bishops Conference suggested a strategy of zero-tolerance, wanting the perpetrators reported to the police and demanding more frequent defrocking of guilty priests, a resounding veto came from Rome: The then Secretary of the

Congregation for the Doctrine of the Faith under Cardinal Ratzinger and today Cardinal Secretary of State Bertone stated in February 2002:

> "In my opinion, the demand that a bishop be obligated to contact the police in order to denounce a priest who has admitted the offense of pedophilia is unfounded. Naturally civil society has the obligation to defend its citizens. But it must also respect the 'professional secrecy' of priests ... If a priest cannot confide in his bishop for fear of being denounced, then it would mean that there is no more liberty of conscience." (John L. Allen, Jr., "All the Pope's Men," 2004, p. 242) And the Prefect of the Congregation of the Clergy, Castrillón Hoyos, "defended the church's preference for 'keeping things within the family'." (Allen, op.cit., p. 245; cf. also Robertson, op.cit., p. 19 f., which cites even more cardinals with similar statements).

That this was also done in previous years becomes apparent from a letter that recently became known, written by the Papal Nuntio in Dublin in 1997. As the *New York Times* reported, the papal representative warned against the fact that the Irish church leadership had issued an order for complete collaboration with the law enforcement agencies. Literally, the newspaper wrote: "The letter from the papal representative rejected a 1996 decision by Dublin church leaders to respond more candidly to the suppressed scandal in Ireland by ordering that child-abuse allegations be referred for criminal investigations. The 'strictly confidential' letter from Rome – leaked in January amid continuing inquiries into the Irish scandal – emphasized the priority of in-house handling of pedophilia cases under church, not civil, law." (*New York Times*, January 31, 2011)

How strongly the church obstructs a legal accounting of the sexual crimes of its priests was directly experienced by one of the signatories in the case he handled of a victim of abuse. The victim was a woman who averred to having been sexually abused and raped as a child and young girl by a priest over several years. She became so traumatized by this that, for decades, she repressed these occurrences. Based on a clinical-psychological expert assessment of a scientist at the Catholic University of Eichstätt, her allegations were deemed reliable. In consideration of this, the deputy president of the diocesan tribunal in Eichstätt turned to the Würzburg bishop, Dr. Hofmann, responsible for the perpetrator – now deceased – with the indication that this was a "particularly grave and

serious case of sexual abuse," and the diocese should pay an appropriate compensation. When the diocese rejected this demand and tried to resolve the case with the payment of a kind of "hush money," the diocese was taken to court. During the proceedings, the bishop then put in a plea based on the statute of limitations. Following, the signatory turned to the President of the German Bishops Conference, Archbishop Dr. Zollitsch, with the request that the latter try to get the accused bishop to drop the plea. This was denied. Once the court had signalized that the victim's claim for compensation appeared to be justified, but that a complete resolution failed due to the bishop's plea of the statute of limitations, the signatory turned to the pope and wrote letters on April 27, 2004 and September 1, 2008, requesting the pope to help see that the resolution of the case and the compensation of the victim by the diocese not be further obstructed by the legal trick of a plea based on the statute of limitations. Both letters remained unanswered and the abuse victim lost in court because the church continued to entrench itself behind the plea of the statute of limitations.

The following is to be recorded as an interim finding: During the years from 1981 to 2005, Joseph Ratzinger, as Prefect of the Congregation for the Doctrine of the Faith, and, since then, as pope, directed a worldwide cover-up system, which exempted ecclesiastical child abusers from criminal prosecution through state courts, confronting them instead with only the measures of canon law, which did not hurt at all and led to the fact that, as a rule, the child abusers remained in office and obtained further opportunity to commit sexual offenses, which they did. Robertson summarizes as follows: "The evidence establishes that at the direction of the Vatican, wrongdoers were dealt with in a manner that protected them from exposure, silenced their victims, aided and abetted some to move on to commit further offences, and withheld evidence of their serious crimes from law enforcement authorities. In effect, the church has been running a parallel system of criminal justice in many countries, unbeknownst to and deliberately hidden from the public, police and parliaments, in which the guilty went unpunished and the lips of their victims were sealed – by forced oaths and confidential legal settlements." (cf. Robertson, op.cit., p. 2)

2.3 The preferential treatment and reinstatement of the perpetrators

However, the cover-up of the crimes was not enough for Dr. Ratzinger. Insofar as there were church internal condemnations, he intervened again and again in favor of the perpetrators. He halted proceedings already in progress, revoked condemnations or provided for the perpetrators in other ways.
An example of this is given in the case of the priest Lawrence Murphy from Wisconsin, who, from 1950 to 1974, had abused hundreds of deaf-mute children. When in 1996 his crimes became known to the bishop in charge of him, the Archbishop of Milwaukee, the latter wrote to Cardinal Ratzinger and asked for his advice on what he should do with the priest. The letter remained un-answered. The archbishop again inquired and again received no answer. After eight months, Cardinal Tarcisio Bertone, who, as mentioned, was the secretary of the Prefect of the Congregation for the Doctrine of the Faith, initiated a secret canonical process that could lead to Murphy's dismissal. However, this process was suddenly brought to a stop again. The child molester had personally written to Cardinal Ratzinger and requested his "kind assistance." The perpetrator was not dismissed; he died several years later and was buried in his priestly vestments. (cf. Robertson, op.cit., p. 23; *The New York Times* on March 24, 2010, "Vatican Declined to Defrock U.S. Priest Who Abused Boys";
http://www.nytimes.com/2010/03/25/world/europe/25vatican.html?
pagewanted=1&_r=1)

Cardinal Ratzinger had reacted similarly in 1981, the year he assumed the office of Prefect of the Congregation for the Doctrine of the Faith. The Bishop of Oakland had urgently recommended that the priest Steffen Kiesle be dismissed from his office after he had actually been convicted in a criminal court for molesting two young boys. Ratzinger procrastinated for four years, despite anxious and repeated requests on part of the bishop. In the end, because of the priest's 'youth' – he was 38 – he was allowed to continue his work with children. He was convicted again in 2004 for molesting a young girl; earlier acts had meanwhile come under the statute of limitations. (cf. Robertson, op.cit., p. 23; *The Times* from April 10, 2010: "Signature on letter implicates Pope in abuse cover-up"). The *Times* wrote: "Cardinal Joseph Ratzinger resisted pleas from a

Californian diocese to defrock a priest with a record of molesting children, putting 'the good of the universal Church' above other considerations, according to the 1985 letter."
(http://www.timesonline.co.uk/tol/comment/faith/article7093936.ece)

Further cases can be found in the Irish Murphy Commission report, which determined that two pedophile priests who had abused children and were therefore dismissed from the priesthood, appealed to Rome and in June 2002 had their dismissal revoked by Rome. (Chapter 4.60;
http://www.inis.gov.ie/en/JELR/Part%201.pdf/Files/Part%201.pdf)

And in Australia, such behavior pattern from the Congregation for the Doctrine of the Faith led by Cardinal Ratzinger also became known. In one case, Rome intervened at the request of a priest from a family that had contributed heavily to the church. After the priest was suspended for assaulting six women, the Vatican pardoned him and directed that he be sent to another parish which was not told of his transgressions – and he transgressed again. (Robertson, op.cit., p. 33; cf. more similar cases on www.theage.com.au, "Rome backed sex-case priest" by Martin Daly, 6 July 2002)

Regarding this behavior pattern, the Murphy Commission ascertained:

> "... It is clear that the suffering and the stress of victims was often related to the fact that their abuser was still functioning as a cleric and might therefore be a threat to other children … In practice, it appears to the Commission that, for a significant part of the period covered by the Commission, canon law was used selectively when dealing with offending clergy, [until the end of 2008] to the benefit of the cleric and the consequent disadvantage of his victims. The Commission has not encountered a case where canon law was invoked as a means of doing justice to victims." (Murphy Report, Chapter 4.2, 4.3; http://www.inis.gov.ie/en/JELR/Part%201.pdf/Files/Part%201.pdf).

The cases presented are only the tip of the iceberg, which proves to be a gigantic colossus consisting of the cover-up of crimes committed by the clergy, of

favoring the criminals to the injury of their victims. Robertson aptly summarized the atrocities that took place under the governance of Joseph Ratzinger, as Archbishop of Munich, as Prefect of the Congregation for the Doctrine of the Faith and as Pope, as follows:

a) "Tens of thousands, perhaps even a hundred thousand children and teenagers, mainly boys, have been sexually abused by the clergy, and most have been caused serious and long-term psychological damage.

b) Thousands of clergy, known to be guilty of very grave crimes of a kind which most perpetrators have a propensity to commit again, have not been defrocked. They have been harboured by the church, moved to other parishes or countries and protected from identification and from temporal punishment – usually a prison sentence – under Canon Law protocols that offer them forgiveness in this world as well as the next.

c) The Holy See, a pseudo-state, has established a foreign law jurisdiction in other friendly states pursuant to which, in utter secrecy, it has dealt with sex abusers in a manner incompatible with, and in some respects contrary to, the law of the nation in which it operates, and has withheld evidence of their guilt from law enforcement authorities."

(Robertson, op.cit., p. 164)

2.4 No end in sight

Nothing has changed regarding this either, as a result of the prevailing norms on serious crimes ("Normae de gravioribus delictis") made known by the Vatican in July of 2010. As the press agency *kath.net* reported on July 15, 2010, with this, "for the first time, the complete regulations on how the Congregation for the Doctrine of the Faith deals with cases of abuse" were published. "These were formerly based on unpublished pontifical mandates and internal rules. Some points of the already existing norms have been changed and stated more precisely, however, according to statements by the Vatican, they are, on the whole, largely in agreement with the procedures to date." The period of limitation was

changed, and in addition, the possession and distribution of child pornography and the sexual abuse of the mentally handicapped were now identified as serious delicts. The relevant Article 6 of the published norms literally reads:

§ 1:
"The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1. the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.
2. the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;"

§ 2:
"A cleric who commits the delicts mentioned above in § 1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition."

This rule signifies nothing more than the reinforcement of the legal situation existing up until now. In particular, the obligation to maintain secrecy as stated in the letter from Cardinal Ratzinger on May 18, 2001 ("De gravioribus delictis") still applies. Thus, sexual crimes committed by priests will still be kept under cover and the police will not be called in. In Article 30 of the published norms, the course of action to be taken in cases of abuse is expressly stated:

§ 1:
"Cases of this nature are subject to the pontifical secret."

§ 2:
"Whoever has violated the secret, whether deliberately (ex dolo) or through grave negligence, and has caused some harm to the accused or to the witnesses, is to be punished with an appropriate penalty by the higher turns at the insistence of the injured party or even ex officio."

(Robertson, ob.cit., pp. 202, 204)

As the Vatican spokesman Lombardi explained, collaboration with the civil authorities has been the subject of discussion in recent times, but was not dealt with in the norms that have now been made public. He stated that "the Norms being published today are part of the penal code of canon law, which is complete in itself and entirely distinct from the law of States." (Lombardi, "ON SIGNIFICANCE OF NEW NORMS," zenith, 15 July 2010, http://www.zenit.org/article-29901?l=english) As much as he attempts to weaken this autonomy by saying that in the "Guide to Understanding Basic CDF Procedures concerning Sexual Abuse Allegations" it says that "Civil law concerning reporting of crimes to the appropriate authorities should always be followed," it does not help to advance things. For one thing, because often there is no legal duty to give notice of criminal offenses (as, for instance, in Germany), and for another, because in countries where such a duty exists (as, for instance, in France), the church does not abide by this, as demonstrated by the above-mentioned Vatican laudatory letter to a French bishop, who refused to inform the civil authorities.

Thus, the fact remains that, as a rule, clerical sex criminals merely face proceedings according to canon law, which puts child abuse in the same category of criminal offenses as "host desecration" or breaching the confessional secret or holding an unauthorized celebration of mass. In all these cases, it is foreseen in number B3 of said "Guide" that "In cases where the accused priest has admitted to his crimes and has accepted to live a life of prayer and penance, the CDF authorizes the local bishop to issue a decree prohibiting or restricting the public ministry of such a priest. … Administrative recourse to the CDF is possible against such decrees." (See: http://www.vatican.va/resources/resources_guide-CDF-procedures_en.html)

What then happens has already been described: Dismissals are rescinded and priests are reinstalled in office. Robertson therefore correctly states in summary that the Vatican works with a "parallel, para-statal jurisdiction," which forgives "sins that host states punish as crimes." In reference to the "ratlines" that the Vatican made available to Nazi criminals for making their escape to South

America, he writes: "… but the real 'ratline' that it has been offering is an escape route for child sex abusers – not so much as a 'get out of gaol free' card, as a freedom never to be at risk of gaol. Through a mixture of arrogance, negligence and recklessness borne of belief in its state immunity and its overweening desire to be a political actor on the world stage, the Pope and his army of cardinals, nuncios, archbishops and officials have run a church in which children have been suffering widespread and systematic abuse." (Robertson, op.cit., p. 166)

2.5 A crime against humanity

According to Art. 7(1)(g) (of the ICC Statute) included therein are "rape, sexual slavery … or any other form of sexual violence of comparable gravity" ["individual acts"], provided that they are "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack ['multiple commission of acts']."

2.5.1 As presented above, child abuse often took place in the form of rape. Insofar as other variations of sexual abuse of children by priests are involved, they are, in any case, to be attributed to the definitional elements of "any other form of sexual violence of comparable gravity." The superior force of the priest, based on his authority on the one hand, and the young age of the victim on the other, makes it equal to the term "violence," even when it does not involve "vis absoluta" (absolute violence). The victim, a child who looks up to the priest as a man of God, is, when it has been placed in a home from which it cannot flee, and for all practical purposes, defenselessly at his mercy, round the clock.

2.5.2 Concerning the "gravity" of violence, one should bear in mind that sexual abuse of children and youth by a priest, no matter whether committed with compulsive or absolute violence, leads to the gravest impairment of the mental and physical health of the victims. They are often severely traumatized for years and decades and seriously impaired in the development of their personality for their whole life. Sexual abuse of children is a kind of soul murder. At the same time, it is an "attack on human dignity or grave humiliation" in the words of the

explanatory memorandum of the International Criminal Court. (cf. also Robertson, op.cit., p. 137 f; http://www.preventgenocide.org/law/icc/statute/part-a.htm#2).

The abuse is also especially infamous because it is committed by members of an institution that bases itself on Jesus of Nazareth, who, as is known, said: "Let the children come to me, and do not hinder them; for to such belongs the kingdom of God." (Luke 18:16) This creates a very special trust, within which children were sexually abused.

2.5.3 As extensively described above, the sexual abuse of children took place not only in individual cases, but also in a large number of countries over decades, committed on thousands, perhaps even hundreds of thousands, of victims. Thus, these attacks were "widespread" in the meaning of the penal provision.

This alone would already be sufficient to have to assume a "multiple commission of acts" in the meaning of Art. 7 of the ICC Statute. The attacks, however, also occurred "systematically." According to more recent jurisdiction, no plan or political element is necessary for this. (cf. Werle, Völkerstrafrecht [Principles of International Criminal Law], 2. Ed., in reference to Yugoslavia Criminal Court from Feb. 22, 2001 [Kuranac et.al., TC, para. 429]). Child abuse was committed by many priests at the same time through ever recurring abusive acts in certain church facilities on the same or on varying victims and under the protection of a systematic cover-up and preferential treatment of the perpetrators by the Vatican.

2.5.4 The definitional element of an "attack against any civilian population" is also fulfilled. According to the legal definition of Art. 7(2)(a) ICCSt., as explained above, this is then the case when it is the "course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack."

(1) The civilian population in the meaning of this provision is every body of persons that is connected via common characteristics, which makes them the target of the acts which, in their totality, amounts to an attack (cf. Werle, op.cit., Margin Note 756 in reference to May 7, 1997 [Tadic, TC, para. 644]). In the present case, the body of persons with common characteristics is children and youth, above all of the male gender, who became the preferred victims of serial sexual crimes committed by pedophilic Catholic priests.

(2) The large number of individual acts also constitutes an "attack" in the meaning of the statutory offense. The fact that the statute understands this to mean the "course of conduct" which occurs "pursuant to or in furtherance of … organizational policy"… does not mean that a literal, programmatic determination of the target of an attack must exist. Here, too, we may refer to the Tadic decision of the Yugoslavian Criminal Court (Hereafter YCC):

> "(s)uch a policy need not be formalized and can be deduced from the way in which the acts occur. Notably, if the acts occur on a widespread or systematic basis that demonstrates a policy to commit those acts, whether formalized or not."

Thus, it depends on the circumstances as a whole under which the acts were committed. Above all, when they were committed on a "widespread or systematic basis," this indicates a "policy to commit these acts." This policy can also consist of the toleration of the acts (cf. Werle, op.cit., Margin Note 777 in reference to international jurisdiction): YCC, judgment of January 14, 2000 (Kupreskic et al., TC), para. 552 ("at least tolerated"); YCC, judgment of July 15, 1999 (Tadic, AC), para. 145; likewise Art. 2 para. 11 Draft Code 1954; UN Doc.S/1994/674/Add.2 (Vol.I), Annexes to the Final Report of the Commission of Experts Established Pursuant To Security Council Resolution 780 (1992) v. Mai 31, 1995, Annex II: Rape and Sexual Assault, para. 33: "It also has proven ... that the state is involved. This can be concluded from state tolerance."

The organization that tolerated the crimes is the church. However, it has not only tolerated, but facilitated them, through canon law and its implementation, which led to the fact that child abusers were not seriously punished. The broad

basis for the act, which is referred to in the decision of the Yugoslavia Criminal Court, is the worldwide assignment of priests to pastoral care, during which they come into contact with children and youth and abuse them. The pastoral assignment was directed by the local bishops; the sexual abuse during this assignment that took place ten thousandfold to one hundred thousandfold was directed by the Vatican: after the act, by way of cover-up and the transfer of the perpetrators, before the act, by way of cover-up and the transfer of previous perpetrators, which virtually promised subsequent perpetrators immunity from prosecution and encouraged them to new acts. A regular "management" of sexual crimes took place: With their workplace, the perpetrators were provided with a place to commit the crime; after the act, instead of being charged by the state prosecutor, they received "priestly words of comfort," and if need be, were provided, for good measure, with a getaway spot to go underground. This, too, is "policy" in the meaning of the penal provision, for here, with the help of a central leadership function, circumstances are created, designed and promoted, under which the many individual acts are committed, which then amount to the multiple commission of acts of worldwide abuses of children committed by priests.

2.6 The criminal responsibility of Dr. Ratzinger

When priests working worldwide on behalf of their church commit sexual crimes, the situation is similar to that of soldiers who run amok and whose crimes then go to the account of their commander-in-chief, even when he did not want such crimes and was thousands of kilometers away. In this connection, Robertson correctly points out a decision of the US Supreme Court in a case involving General Yamashita, the Japanese general whose troops ran amok in the Philippines. The objection of the general that "he was a hundred miles away from the scene and had no wish for and was outraged by the rapes and other atrocities" committed by his soldiers was met by the Supreme Court with the statement that a person in a superior position is responsible when he neglected to prevent the unlawful behavior of his subordinates, when he knew that his inferiors had committed or were in the process of committing such, and when he

did not take the necessary steps to prevent this or to punish those who committed the offenses. Literally:

> "A person in a position of superior authority should be held individually responsible for giving the unlawful order to commit a crime, and he should also be held responsible for failure to deter the unlawful behaviour of subordinates if he knew they had committed or were about to commit crimes yet failed to take the necessary and reasonable steps to prevent their commission or to punish those who had committed them."
> (Robertson, op.cit., p. 139)

This responsibility is also expressed in Art. 28 of the ICC Statute, which, according to para. b, also applies to civilian superiors. According to this, a superior is criminally responsible for crimes, which were "committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:

i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;

ii) The crimes concerned activities that were within the effective responsibility and control of the superior; and

iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution."

2.6.1 It is true that the individual priest is not formally in service to the Vatican, but to his bishopric. In fact, however, the following applies: When he commits a sexual delict and his bishop learns of this, then, according to the above described hierarchical structures between the Vatican and the bishoprics, the act has to be reported to the Vatican and to the Congregation for the Doctrine of the Faith respectively. It is then in charge of the proceedings, by which it either conveys a sanctioning of the act to the bishop or, what usually occurs, claims jurisdiction over the case. In the case of a sexual crime, the initially only indirect relationship between the priest and the church as a whole proves to be a direct superior-subordinate relationship. The bishop, who has to report the criminal offense to

Rome, no longer has any discretionary power concerning the priest's fate; this will be determined directly from Rome, via binding instructions to the bishop. And in Rome, the Prefect of the Congregation for the Doctrine of the Faith and the pope, respectively, bear the responsibility.

This responsibility of a superior for the individual priests who were delinquent or are in danger of becoming delinquent – for the first time or for repeated times – is not eliminated on grounds that child abuse is not part of a priest's actual tasks, but takes place by malfeasance. Decisive is that, as a rule, he commits this act within his scope of ministry, which makes it at all possible for him to come into close contact with children and youth. Significantly, many dioceses in the United States and Ireland took out liability insurance against impending claims for compensation from cases of abuse. They started this in the 1980s, when more and more cases of abuse became known, whereby they did not, in part, reveal to the insurance companies how many cases already existed at the time the contract was concluded. In this way, for a premium of approximately 50,000 Euros, the Irish dioceses received insurance benefits amounting to almost 13 million. (cf. www.irishtimes.com from Feb. 8, 2011; Murphy-Report, section 1.21 M) In the case of the Archdiocese of Milwaukee, the insurance company refused to cover the claims for damages on the grounds that the diocese did not reveal the true situation at the time the contract was concluded. (cf. www.necn.com from Nov. 23, 2010)

2.6.2 Dr. Joseph Ratzinger was extensively informed regarding the totality of the worldwide sexual crimes committed by Catholic priests, first as Prefect of the Congregation for the Doctrine of the Faith since 1981, and as pope since 2005. Based on this information, he acted by issuing orders for secrecy, by seizing jurisdiction over proceedings or by bringing proceedings to a halt, by repealing convictions of lower instances and by approving the transfer of delinquent priests into other parishes or other countries. Through his order of secrecy, he saw to it that the sexual crimes were not reported to the state law enforcement authorities; he even approved the commendation of a bishop, who had transgressed against the obligation of disclosure by law in his country and was therefore punished by a state court. He initiated no effective measures

whatsoever against the continuation of widespread sexual crimes by his priests, but, on the contrary, legally and in actual fact, created a situation, in which it was easy for priests to abuse children, because they did not have to expect any serious punishment, as was already extensively presented above. He upholds this situation to this very day, thus abetting new sexual crimes on a daily basis, which continue to be covered up and are uncovered either not at all or only after several years. To learn the details, the prosecuting authority would have to ask the Vatican for their records. Normally in such a case, a legal search warrant would be obtained.

If one takes into consideration the behavior of the accused, past and present, one would have to even qualify his criminal complicity in the worldwide crimes committed by his priests as aiding and abetting. In any case, according to Art. 28 of the ICC Statute, as the superior of the perpetrators, he is responsible for them under criminal law.

2.6.3 He also acted culpably in the meaning of Art. 30 of the ICC Statute, because he was aware that the cover-up strategy he ordered and continuously condoned had resulted in aiding and abetting further sexual crimes. In any case, he approved this to protect the reputation of his institution – at the expense of ever new victims of his pedophile priests. This kind of behavior requires severe punishment, which the accused himself also has to acknowledge, since he constantly uses the words of Jesus, who said, among other things: "*…whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened round his neck and to be drowned in the depth of the sea.*" (Mathew 18:6)

IV. On the Admissibility of the Proposed Charge

1. According to Art. 27 of the ICC Statute, all persons are subject to the jurisdiction of the International Criminal Court, regardless of their official capacity. "In particular, official capacity as a Head of State or Government … shall in no case exempt a person from criminal responsibility under this Statute …" (para.

1) “Immunities ..., which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person.” (para. 2)

Thus, Dr. Joseph Ratzinger cannot exempt himself from the jurisdiction of the International Criminal Court by indicating he is a Head of State, not to mention whether this objection would be recognized at all by a court committed to international law. When bearing in mind that the Vatican’s statehood is based on a contract with the dictator Mussolini in 1929, this is dubious under international law. (cf. Robertson, op.cit., p. 63 ff)

2. The further prerequisite, according to which the person accused and to be charged has to belong to a state that is among the contract parties of the ICC Statute, is also given. Contrary to the Vatican, Germany has ratified the treaty pertaining to the International Criminal Court (on Dec. 11, 2002). Dr. Ratzinger is a German citizen, since he did not give up his German citizenship upon the acquisition of his Vatican citizenship.

3. According to the Preamble of the ICC Statute, the International Criminal Court operates not only in a subsidiary role to jurisdiction between states, but “complements” these.

According to Art. 17(1)(a) ICCSt., the admissibility of a charge before the International Criminal Court would not be given only if Germany were already carrying out investigations or if Germany were “unwilling or unable genuinely to carry out the investigation or prosecution.” Investigations into the crimes against humanity that have been charged here have not taken place in Germany and will not take place, either. The German state prosecutors are bound by the instructions of the Minister of Justice. In a country whose Federal President will receive the pope on a state visit this year and whose politicians even fulfill the unusual desire of the pope to speak before Parliament as a guest of the state, no Minister of Justice will allow a state prosecutor investigations or even a preferral of charges against the pope. Independent of this, such a charge would also not be possible, because according to Art. 25 of the German Constitution, the pope is

not subject to German jurisdiction as long as he is considered a Head of State. Despite the dubiousness of the acquisition of this diplomatic status, no state prosecutor in Germany would dare to throw doubt on it.

4. Nor can the accused object to the legitimacy of proceedings before the International Criminal Court on grounds that "the case is not of sufficient gravity to justify further action by the Court (Art. 17(1)(d) ICCSt.)."

As presented above, the accused is to be charged with the fact that he played down, covered up and, in a church system parallel to state penal law, largely detracted from punishment tens of thousands, perhaps even hundreds of thousands, of cases of child abuse committed by Catholic priests, thus supporting this for years. In addition, by forbidding the use of condoms, he is also charged with contributing to the physical injury and killing of an undetermined number of African Catholics and abetting them at the same time to infect non-Catholics, as well. Finally, he is charged with the fact that the terrifying regime of his church jeopardizes or injures the physical and mental health of a large number of people worldwide.

The approving acceptance of massive deaths from AIDS as a result of an HIV infection and the support of massive soul murder by way of sexual violence committed against children and youth is so grave that their investigation and the examination of whether these are crimes against humanity, according to the Preamble of the ICC Statute as well as according to the Policy Paper of prosecuting authorities, is called for. According to this, the prosecuting authority should focus their investigations on those who bear the greatest responsibility, as, for example, the leaders of states or organizations, who are responsible for crimes against humanity. (Policy Paper II. 2.1).

V. Summation

1. When the Rome Statute of the International Criminal Court came into effect on July 1, 2002, this initiated a turn in the culture of mankind. The times in which politically and ideologically motivated crimes on a massive scale remained unpunished, because they were not subsumable under the conventional statutory offenses of murder, unlawful detention and assault, have come to an end. The crime against humanity as defined in the Rome Statute not only pertains to the widespread masses of acts and the criminal responsibility of the ringleaders, but also expanded the spectrum of objects of legal protection: In Art. 7(1)(k) liable for punishment are "inhumane acts … intentionally causing great suffering or serious injury to mental health …" provided that these injuries are similarly grave as, for instance rape, enslavement or abduction. With this, emotional violence, which can lead to damaging a person's health, is also included. Much of the customary violence of this world that was accepted, because "that's how it always was," now also becomes relevant within the framework of the Rome Statute.

2. The charges at hand come to the conclusion that this applies to the coercive system of the Roman Catholic Church, which is led by the accused, and to the terrifying threats of the eternal torments of hell associated with it. These threats lead countless people into an irrational psychological and mental dependency, robbing them of the ability to make their own decisions of conscience in all areas of their life. It is only because of this coercive system that the two other charged crimes against humanity were made at all possible. A penal evaluation of this church regime, that exerts utmost psychological pressure, is all the more called for, since the accused attempts to divert attention from the totalitarianism of his system by praising freedom of religion all over the place, which his own church tramples underfoot – as well as by the treatment of his own members and through the aggressive intolerance toward religious competitors, above all, when they are religious minorities.

3. In addition, the charge comes to the conclusion that the accused is criminally and jointly responsible for the death of hundreds of thousands, perhaps millions, of people who died of AIDS, because, despite the rampant epidemic, he adheres to the church forbiddance of protective measures against the transmission of the HIV virus, enforcing it with the threats of his coercive system.

4. Finally, the charge comes to the conclusion that the accused is criminally responsible for the rising escalation of sexual crimes committed by Catholic priests in recent decades. In public, the accused plays the role of the God-fearing leader of the church, who apologizes to the victims of clerical child abusers and wants to prevent further acts. In reality, he acts like the ice-cold patron of a worldwide cover-up system, which favors the criminals at the expense of their victims and daily aids and abets new crimes.

Based on the internal means of coercion of the church, it must be assumed that this system will continue indefinitely and that the worldwide crimes made possible by it will continue for an unforeseeable time, that the courts in all countries will be deceived again and again and that the crimes will remain unpunished, and that new suffering will be inflicted upon thousands and thousands of children over and over again – if an international court does not call a halt to these crimes by holding accountable those responsible for them. Joseph Ratzinger is the principle offender, surrounded by a number of accomplices whose names have already been partially mentioned. The time is ripe for the prosecutor at the International Criminal Court to initiate investigations, and that what was formerly known only fragmentally be comprehensively clarified and the church sponsors of worldwide child abuse be brought before the court.

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